IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

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CIVIL WRIT No. 6100 of 2007

KOM ABBASIYAN
V/S
IDUKHAN & ORS

Mr. H R SONI, for the appellant / petitioner

Date of Order : 24.9.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

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Heard learned counsel for the petitioner.

The present suit for eviction has been filed on behalf of community in a representative capacity wherein under O. 1 Rule 8(3) along with the plaintiff one more person has been added as party.

Long drawn arguments were made in support of writ petition, and the whole thrust of the arguments appear to be as if the litigation is intended to exert, or assert the right of the persons signing the plaint to have effective dominion of the property, in respect of the property being belonging to community. The person sought to be added as party is also a person of community, and is also equally interested. It is not the case, that the person sought to be impleaded has interest adverse to the plaintiff

community, or that it has any interest in favour of the defendant. If the judgment is rendered in a suit under O. 1 Rule 8 that would bind all the persons in community. As such I do not find any error in the impugned order.

The writ petition is, therefore, dismissed summarily.

( N P GUPTA ),J.

/sushil/